

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

1
2 UNITED STATES OF AMERICA,
3 (Rural Development, formerly
4 Farmers Home Administration),
5 Plaintiff,

6 v.

CIVIL NO.: 97-1209 (GG)

7 GILBERTO MALAVET NUÑEZ,
8 Defendant.

9 O R D E R

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12 Pending before this Court is plaintiff's "Motion for Execution
13 of Judgment" (**Docket entry #13**), seeking the execution of the
14 judgment entered by us on October 22, 1997. It appears from the
15 record and plaintiff's motion that defendants have failed to pay
16 the sums of money adjudged to be paid to plaintiff under said
17 judgment.
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19 In view of the above, and that more than ten (10) days have
20 elapsed from the entry of judgment, plaintiff's request is hereby
21 **GRANTED**. Consequently, the United States Marshal for the District
22 of Puerto Rico shall sell at public auction to the highest bidder,
23 the property referred to in paragraph 4 of the complaint, in the
24 manner herein further provided:
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1 (a) Said public sale shall be had at the office of the
2 Marshal for the Superior Court of Puerto Rico, Arecibo Part, in
3 accordance with 28 U.S.C. §2001;

4 (b) Notices of sale shall be published by the United States
5 Marshal once a week for at least four weeks prior to the date of
6 the sale, in a newspaper printed regularly and having a general
7 circulation on the Commonwealth of Puerto Rico, in accordance with
8 the provisions of 28 U.S.C. §2002;

9 (c) The amount of \$36,000.00 shall serve as the minimum bid
10 for the first public sale. Should the first public sale fail to
11 procure an award or adjudication, two-thirds of the aforementioned
12 amount shall serve as the minimum bid for the second sale. Should
13 there be no award or adjudication at the second public sale, the
14 basis for the third sale shall be one-half of the amount specified
15 as the minimum bid for the first public sale. Should there be no
16 award or adjudication in this public sale the same may be awarded
17 to the creditor for the entire amount of the debt if this is equal
18 to or less than the amount of the minimum bid of the third auction,
19 and crediting this amount to that owed if it is more.

20 (d) The United States Marshal at the sale shall not accept in
21 payment of the property to be sold anything but United States
22 currency or certified checks, except in case the property be sold
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1 and adjudicated to the plaintiff, in which case the amount of the
2 bid made by plaintiff shall be credited and deducted from its
3 credit; the plaintiff being bound to pay in cash or certified check
4 only any excess of its bid over the secured indebtedness then
5 remaining unsatisfied;

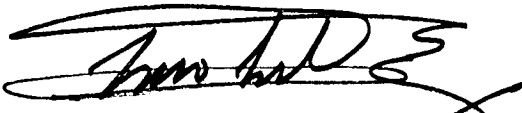
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7 (e) All junior lienholders shall pay in cash or in certified
8 check the total amount of previous liens, and any sum in excess of
9 said previous liens shall be credited to their respective liens;

10 (f) Upon the confirmation of the sale by this Court, the
11 United States Marshal shall execute and deliver a deed of
12 conveyance of the property sold to the purchaser thereof.

13
14 (g) The Property Registrar of the corresponding Property
15 Registry of Puerto Rico shall proceed to the recording of the
16 judicial sale deed in favor of the purchaser, free of any liens
17 subsequent to the date of the execution of the foreclosed mortgage.

18
19 SO ORDERED.

20 In San Juan, Puerto Rico, this 15th day of April, 1998.

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23 
24 GILBERTO GIERBOLINI
25 Senior U.S. District Judge
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